

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

LOUIS SUÁREZ-RIVERA,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

CIVIL NO.: 21-1234 (MEL)

OPINION AND ORDER

On October 21, 2021, judgment was entered remanding this case to the Commissioner of Social Security (“the Commissioner”) for further administrative proceedings pursuant to the fourth sentence of Title 42, United States Code, Section 405(g). ECF No. 17. On November 1, 2021, counsel David L. Torres Vélez (“Torres”) filed a motion for attorney’s fees pursuant to the Equal Access to Justice Act (EAJA), Title 28, United States Code, Section 2412. ECF No. 18. On November 3, 2021, court awarded the sum of \$2,850.00 in EAJA fees.

Pending before the court is Torres’ petition for attorney’s fees pursuant to Title 42, United States Code, Section 406(b)(1) for the sum of \$12,000.00. ECF No. 22. The Commissioner has acknowledged that Torres’ petition has been timely filed and that the requested sum is not greater than 25% of Plaintiff’s past-due benefits. ECF No. 24, at 2-3. Nevertheless, the court hereby approves Torres’ request for attorney’s fees only up to \$7,000.00, taking into account that in this case the Commissioner of Social Security filed a consent motion to remand (ECF No. 15), thus sparing plaintiff from having to file a detailed memorandum in support of the request to reverse the decision of the Commissioner of Social Security. Furthermore, prior to the judgment entered by the court remanding this case to the Commissioner

of Social Security, plaintiff's counsel did not file any motion that required significant legal research or analysis.

Therefore, Torres' request for attorney's fees under Section 406(b) is GRANTED IN PART AND DENIED IN PART. Attorney's fees under Section 406(b) are awarded for the sum of \$7,000.00, which is a reasonable amount within the circumstances of this case. Torres is ordered to, within seven days of receipt of the 406(b) fees, refund plaintiff Louise Suárez-Rivera the fees paid to him pursuant to EAJA.

IT IS SO ORDERED.

In San Juan, Puerto Rico, this 26th day of April, 2024.

s/Marcos E. López
U.S. Magistrate Judge